

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE )  
NAGELSKI, )  
Plaintiffs, )  
v. )  
PREFERRED PAIN MANAGEMENT & )  
SPINE CARE, P.A., DR. DAVID SPIVEY, )  
individually, and SHERRY SPIVEY, )  
individually. )  
Defendants. )

## **PLAINTIFFS' MOTION TO SEAL DOCUMENTS**

NOW COME Plaintiffs, Rebecca Kovalich and Suzanne Nagelski (collectively “Plaintiffs”), by and through their undersigned counsel, and pursuant to Local Civil Rule 5.4(c), moves this Court for an order to seal documents.

Plaintiffs file this Motion and filed their Exhibits 1–50 (Dkt. Entries 53 & 54) to their Summary Judgment Response briefs (Dkt. Entries 47–52) under seal for two reasons: (1) many of the documents were designated as “confidential” or qualify as confidential pursuant to the Stipulated Consent Protective Order (Dkt. Entry 19), and (2) Defendants Motion to Seal Documents (Dkt. Entry 44) is pending before the Court and these documents could fall within the purview of documents sought to be sealed by Defendants. Out of an abundance of caution, Plaintiffs filed their exhibits under seal, but only ask that exhibits 14–21, 36, and 41—which were marked “confidential” by Defendants in discovery—remain under seal because they contain information recognized as confidential by case law, Fed. R. Civ. P. 5.2, and Local R. Civ.

P. 5.4. All exhibits to Plaintiffs' summary judgment response briefs are necessary and highly relevant to the legal issues presented in the Parties' dispute.

In support of their Motion, Plaintiffs submit Plaintiffs' Memorandum in Support of Their Motion to Seal Documents, filed contemporaneously herewith.

Pursuant to Local R. Civ. P.(c), Plaintiffs conferred with Defendants regarding this Motion. Defendants' position on each exhibit is set forth in Plaintiffs' Memorandum in Support of Their Motion to Seal Documents. Plaintiffs also file this Memorandum under seal because Plaintiffs want to apprise the Court of Defendants' specific positions on the exhibits and doing so necessarily requires divulging information which Defendants specifically wish to remain under seal.

Defendants will have 14 days from this filing to file a Brief providing the information set out in Local Rule 5.4(b).

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion and order that exhibits 14–21, 36, and 41 remain under seal and the remaining exhibits be unsealed.

Respectfully submitted this 6th day of November, 2018.

/s/ Sean F. Herrmann  
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## **CERTIFICATE OF SERVICE**

THE UNDERSIGNED HEREBY CERTIFIES that the document to which this certificate is attached was served upon each party to this action by CM/ECF electronic notification to the attorney of record for each party, or to the party, at their last known address, as stated below.

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This the 6th day of November, 2018.

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